P. 2. 245 & 92

G. R. S. IX-5]

Previous references.

1891-92

~~192~~ .

(L. R.)

File No. 211-1891

Serial Nos. 1-4

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 — 4

Major **Part B for** January 1893

SUBJECT.

Appeal of Ramchandra Ganesh Kashikar & Harihar Vithal Bhide in Khedgaon of Sirur Taluk

---

Lo

Lr Deputy Commissioner Nasik

No. 12970, dated 31.1.92.

P 246-92

M 4 Forwards a copy of the decision passed on the said appeal.

Lr Collector Nasik

WD 2233—GPE—20,000—14-6-20

Mr. Ramanathan's argument in Kandy cases

Appointed to hold Sessions at Jaffna on 15th Oct 1892

Mr. Ramanathan's argument in Kandy cases

Mr. Ramanathan's argument in Kandy cases

Mr. Ramanathan's argument in Kandy cases

1884 the Appellant
Ramnad Sanda Vegayan
~~the Appellant~~: that the
Respt. might
be ordered not to
interfere with the Petl
work. In June 1884
the Dyson recognising
the Appellant as
Sannad-dar ordered
that the remuneration
should be paid to
him alone. Against
this order distributed on
before. In 1887 the
Respt: protested against
the Dyson's order.
but his petition was
rejected on the ground
that the Appellant
was the Sannad-dar
& the Respt: an
assistant ~~Sannad-dar~~
in accordance with
the Dyson's order of
1874, and that the
Sannad-dar had
been confirmed in
1884. In 1891 the
Respt. brought a
regular suit praying
that his claim to perform the duties of
the Pateliwadam with

* vide order No. 605
dated 27th June 1887.

3

~~Right~~ the Appellant,
might be established.
The Dy Comr. in his decree,
dated 2nd April 1891 decided
that the Plff (Respt:) should
~~be entitled to~~ receive the proportion
of Hâk which belonged
to the Owner of Lot 1
in Dec. 91 the Plff-
Respt: applied for Exe-
cution of the decree:
The Dyson: ordered on
12th Feby: 1892 that
in proportion to the
Amount of the Kauha-
Poti'e remuneration
received, the work should
be done by the Appellant
& the Respt: in rotation
the period in the case
of the former running
for 5 years & in that
of the latter, one year
Could that the Appellant
should give over charge
to the Respondent to begin
with his turn.

The Appellant appealed
& submits the above order
is wrong. The Appellant contends

1° that the
1 hankers
should
perform
the duties
by rotation
each for 5 yrs
& Respt for
one year
each
in
and by Kauha
Poti'e remuneration
shall be
the Appellant
should They Respt
be from the Indem-
nity has been
one Hâk
1 piece
for

(1) That the Order pursuant to Execute what the decree itself does not direct. The decree is merely declaratory & gives no consequential relief. The Order requiring the Appellant to give over charge to Respt. is illegal.

(2). The decree does not decide what the Pffs (Respts) Lak's dues prior to the order of June 1884.

The main point for decision is whether the Order appealed against is within the scope of the decree.

The Auditors report dt: 20.5.84 shews that out of the total remuneration of Rs: 36"75"/ the Appellant & his father received Rs: 31"2"/ & the Respt Rs: 5-13-0.

x up to the year 1883

5

2

The Defts. Settlement admits that the Plff. Respt. helped him up in Feby 1885.

Exh 3 - 'Reporter' 1874 contains the name of Abrigunda son of Abrigunda.

VI
23/8/92

The Court are of opinion that they cannot on evidence be behind the decree to contend & affirm the decree only declares Plff the ~~to~~ rent holder with right but gives him no interest

Immediate possession
& Enjoyment of the
Office on Election -
The deed is executed
and is witnessed
sealed — but it contains
nothing more than a
mere declaration of
right The Sheriff, who
is an absent Person of the
Office cannot, under
the deed be sworn,
and the performance
of duties of which
cannot be admit
on Information when
the deed is silent
on the point. Inasmuch
the Assignment is likely
Void to confirm
Improvements and cannot
be sanctioned.
The Sheriff, as holden,
must not let the Office

Gomes warrant when
his suspected with a
joint ~~[illegible]~~ but
committed

The joint effect
must be alleged and
the ~~[illegible]~~ proved as the
proved as charged
and vice

Alexander Ralph

Fa le Ci Case

=

Mercoledì

Antonietta Di

Raimondi

Dottore

[illegible]

Copy of Pateli Registe of Hadihalli:

Précis of papers connected with the petition of Hadihalli Rame'Gowda regarding his claims to the Pateli of the said Hadihalli in Chicka magalur Talu:k:——

The appellant Rame' Gowda and ~~alte~~ another named Huli gowda were looking after the Pateli duties in Hadi-halli.

On 27.6.74 the Deputy Commr: Mr. S. Krishna Rao passed the following order:

"Rame'Gowda and Huli gowda the son of Veere'gowda are doing the duties and both can read and write and both are physically competent: but they having agreed between themselves that the former should do the duties the latter helping him in revenue matters, the arrangement is confirmed."

Huli Gowda died on the 21st June 1879. Huli Gowda's father had two wives. He left two sons behind

vide statement shewing the settlement of the temporary remuneration of the Patels of Chickmagalur Taluk.
(Page 23 in the vernacular file).

him - Huligowda son by his first wife, and Chicke gowda son by his second wife. Soon after the death of Huligowda his half brother Chicke' gowda above named requested the Amildar to appoint him as Patel to look after the revenue duties of Hadihalli since deceased Huligowda had no other heirs.

The Amildar then duly reported the matter to the Deputy Commissioner.

The Deputy Commr passed the following order on the 12th Sept 1879:

"Chicke'gowda is appointed Patel of Hadihalli in the Chicka nagalur Taluk vice Huligowda deceased"

The same Deputy Commr Mr Lacey has passed another order (in Kannada) on the following day ie on the 13th September 1879 which runs as follows:-

"Chicke'gowda is appointed Patel of Hadihalli in the room of his elder brother Huli

Chicke'gowda's depn before the Amildar of Chickanagalur on the 10th Sept 1879.

gowda deceased? The
sannad seems to have
been granted to Huli
gowda. The Patel's Regist
mentions that Rame
gowda should look
after the duties, Huli
gowda helping him
in revenue matters.
Therefore the sannad
seems to have been
granted only to Rame
gowda!"

The Amildar in his
Report no 1598 dated the
17th September 1881 state
that the Shekdar ~~repo~~
reports to the effect that
Rame gowda police
patel and another Chikk
gowda younger brothe
of Huli gowda are both
looking after the duties
that Rame gowda is
not on good terms wit
the ryots of the village
and that the ryots say
they do not like to give
any money to his h
In conclusion the
dar says that
these persons
dars" and a
pote settlem
to come off

of them will look after their respective duties as before pending the said settlement.

Appellant Rame' gowda presented a petition* to the Deputy Commr that he was the huckdar of the patel office, that he has the Sannuddar also, that Chicke gowda of that village (Kadichalli) with the assistance of the Shanbhag managed To collect the Kandayam from some of the ryots, that the Shanbhog had been fined Rs 20 in march 1883 for having improperly entered in the accounts a portion of the compensation amt in favor of the said Chicke gowda and that orders might be issued so that the said Chicke gowda might not interfere with the collection duty.

The Deputy Commr [illegible] ected the Huildar [illegible] bmit the previous [illegible] relating to this

[illegible] uildar thereupon [illegible] that it appears [illegible] om the records [illegible] tal amount

* dated 31st march 1884

* No 408 dated 20-5-84

of temporary remuner-
-tion for the patels was
Rs 36-15-7, that it was
being distributed every
year as detailed here-
-under :-

Rs 29-1-2	Rame Gowda appellant
2-1-5	to his father
5-13-0	to another patel Chicke Gowda

that the said Chicke
gowda looked after
the collection work of
Arekalli the Dakhle
village and that the
remuneration of
Rs 8-13-0 allowed for
this village for that year might be
disbursed to him.

Order no 4109 26-5-84

The Deputy Commr
directed the Amildar
to report as to what
Rame Gowda appellant
would say about the
order directing him
and Chicke Gowda to
look after their respective
duties as before, pending
the Pucka polgi Settle-
-ment, about the
annual payment
Rs 5 and add to C
gowda as compe
about the a
-ment the a

Gowda should look
after the Patels of
Arehalli and about
the said Chikke'gowda's
claims to receive the
remuneration allowed
for Arehalli for having
managed the Patel work
of that village.

The Amildar thereupon
reports* that Rame'
gowda stated that he
was the Sannadar
that the Patel Chikke'
gowda should not do
the Patel work, & that
no remuneration
should be paid to him.
The Amildar further
reports that orders
had been passed that
the Patel of "asli" village
should along look after
the Patel work of
Dakhle' village Are'
-halli; that the account
shewed that Hadi
halli had two Patels,
that although the
Sannad had been
granted to Rame'gowda
Chikke'gowda
(also) a registered
that both of
for a long time
been looking

* No. 591 of 18.6.'84

after the Patels work
& that the names of
both the Patels had
been entered in the
Pucka Potgi accounts.

The Deputy Commr
then passed an order
as follows:—

* No. 605 dated 27th June 1884

"Rame'gowda is the
sannadar. Compen-
sation amount shd
be paid to him. With
regard to the claims
of the other for compen-
sation there is no order
In case there is any
such authority, the
Amildar should report
the matter.

The Amildar should
immediately pay up
the arrears of compen-
sation amount due
to Rame'gowda the
sannadar, and
report the matter."

* dated 24th Feby 1887

Chicke'gowda then
presented a petition*
the Deputy Commr
that both he and
Rame'gowda were
the huckdar patels
of Hadihalli, that
both of them conjointly

performed the Patel duties and received remuneration for such service till the end of January 1884, that the Deputy Comm^r merely on receipt of a petition from Ramé gowda passed order No 605 that Ramé gowda was the Samna-dar, & that as such he alone should receive the remuneration. Chick' gowda further stated in the said petition that he ~~to~~ had not been able to produce authorities in support of his claims since no opportunity had been given to him and that the Deputy Comm^r might therefore confirm the Patelship to him.

Mr Meiklejohn the Deputy Comm^r there upon passed the following order:— ✕ 13.4.87

"Mr Krishna Rau's order is Rame' gowda and Muli gowda the

son of Rame'gowda are doing the duties and both can read and write and both are physically competent but they having agreed between themselves that the former should do the duties, the latter helping him in revenue matters, the arrangement is confirmed".

"Anli gowda died in 1879 and Mr Casey appointed his brother to succeed him.

Anli gowda was so to speak, as is clear from Mr Krishna Rao's order, to be a sort of Assistant Patel only.

The Sannadar Rame'gowda is alive and has been Patel now for 13 years nearly Mr Krishna Rao's order being dated 1874.

In 1884 the same dispute came up and then I passed a clear order confirming the Sannadar Rame'gowda in the appointment.

The village is not a

charge one and there is no room for two patels, the compensation only amounting to Rupees sixty one, annas - Right the petitioner's claim to be recognized as Patel of Nadihalli is therefore rejected."

On the 16th January 1891 Chikkegowda filed a revenue suit in the Court of the Deputy Commr. He says in the plaint that the ancestors of both the plaintiff and the defendant (Ramegowda) were looking after the patel duties of Nadihalli conjointly for a long time, that an order having been passed in 1874 that the Defdt should look after the police duties and the Plaintiff's brother Hulligowda should look after the revenue duties both of them were doing so till the year 1879, that the plaintiffs brother having died in 1879, he (Plff) was appointed to do the duties of his

deceased brother and he accordingly did so until 1885, that he received an order in 1885 to give up the patel work, that he afterwards presented a petition and an order was thereupon passed that the might seek redress by a regular suit, and that he therefore prays for a decree establishing his right to collect the revenue of Nadi-halli as a joint Patel along with the Defendant. Mr Sparkes the Deputy Comm^r who decides the case passed the following order:-

× No. 331 of 1886 Chickmagalur Taluk

× Dated 2 April 1891

"× × ×

the defendant in his statement says that he was appointed in 1874 and that Plff was helping him with the work from 74 to 80 and denies that Plff did any ~~work~~ of the patel work after '80. He afterwards states that Plff was doing

duty as joint Patel up to 1/85 but that he received no remu-neration for the same.

The Amildar's report of 20/5/84 shews that the Plff received remuneration up to 82/83 in conjunction with defendant and that from '84 defendant received the whole of the remuneration by order No. 605 of 27th June 1874 passed by Mr Meikle john. If is upon this order, it would appear, that the defendant contends that the Plff has no hak, but the exhibits filed by the Plaintiff and Defl all go to prove that prior to the order No. 605 of June '84 the Plff was receiving remuneration as Patel in conjunction with the defendant.

The order passed by Mr Meikle john dispossessing the Plff of his "hak" was passed summarily on perusal

of the Exhibits and hearing the arguments brought forth by Plffs' Pleader ... It is clear that Plff has a right to the bank in conjunction with the Defts. The Plaintiff will therefore henceforth receive the proportion of bank which he was possessed of prior to the order no 605.

On the 9th December 1891 Chickegowda applies to the Deputy Comm^r for Executing the above decree praying that since Defts Ramegowda alone has been looking after the Patel duties for 5 years since the Pukka Potgi Settlement of 1886, he (Plff) might for the next 5 years be allowed to look after the Patel work.

The Dy Comm^r then directed the Amildar to submit a report as to how the above decree should be executed.

The Amildar accordingly submitted his report on 31-12-1891.

He proposes here that

Chicke'gonda or his
lawful heir may be
appointed Patel only
after the present Patel
(Rame'gonda) vacates
his office, or that each
of these (Plffs & Defts) may
look after the Patels
duties for 10 years by
turns.

The Deputy Commr
thereupon ordered* that since according to
the Katcha Pôthi Rame'
gonda had been receiving
Rs 31 and Chicke'gonda
Rs 6, the ~~duration~~ period in
which each should
perform the Patel work
might also stand in
the same ratio ie Rame'
gonda to look after
the work for 5 years
and Chicke'gonda for
1 year, that each of
these during his tenure
of office might receive the full
emoluments and that
since Rame'gonda
had been till then in
office he might be ordered
to hand over charge of
the duties to Chicke'gonda

Rame'gonda now
appeals against this
order on the grounds:-

I That the order

* dated 2nd Feby 1892.

purports to execute what the decree itself does not direct. The decree is merely declaratory and it gives no consequential relief.

II The decree does not decide what was plaintiffs' rank prior to order no 605 dated June 1884 and much less does it ~~direct the~~ determine the duration of office which each has to occupy as has not been directed by the order under appeal.

III The appellant prays that pending disposal of this appeal the execution of the above mentioned order may be stayed.

BCK

Rs. 1/2 Encl. covered

MYSORE DEWAN'S OFFICE, 30/5

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. 428
dated 2nd May 1892 received at the
Dewan's Office from Ramegowda
resident of Kadahalli,
Chikkanayakan Pahali
Taluk appealing against the
Commr's order regarding
his kulavu the Patel office
of the said village
is forwarded, together with its 4
enclosures, to the Deputy Commr
Hassan Dist for submission
of Progs with a report
on the facts of the case for
final action on the petition
2 The petition should be returned

From the same No. 129 of 1892

By Order,

Draft

Chief Secretary.

BANGALORE, 30 May 1892

94
4

Requested
6-5-92

6.5.92

9/5

9/5

Rs. Stamp
Mor Mark 9/5/92

4.28 P

In the court of the Dewan
of Mysore
Bangalore.

A. S. No 2
92-93.

Revenue Misc: Appeal
No: of 1892.

Appellant
Ramsonda
(Defendt)

Respondent
Chickkatowda
(Plaintiff)

Power in Stuff-
cently Stamped
Return
Rs.
9/5/92

Rec'd with Power
& Vakalat dated the
18/5/92

The appellant above named most humbly begs to appeal against the order of the Deputy Commissioner Kadur District, in Revenue case No: 4 of 1890-91 for the following among other reasons - viz.

Given over-charge
Rep. & brought up
18/5/92

I. The order purports to execute what the decree itself does not direct. The decree is merely a declaratory one and gives no consequential relief. The order directing defendant to give over charge of his office to plaintiff is therefore clearly illegal.

1) Stamp correct.
2) Copies & Power required
3) Appeal in time
4) Rule I (ch)
Call for Proceedings & a Report
Rs.
23/5/92

II. The decree does not decide what was plaintiff's right prior

to

2 96

to Order No: 605 of June 1884 and
much does it determine the
duration of office which each
has to occupy as has now been
directed by the order under appeal.

III. As the Taluq authorities are
enforcing the order appealed from
by compelling defendant to relinquish
up the charge of his office, the
defendant prays that execution
of the said order may be stayed
pending disposal of this appeal

(Sd) Bhashyacharya
2nd May 92 Advocate for appellant.

Memo of documents filed herewith as follows:—

1 Order dated 12th Oct 91 passed to appellant by Dy: Commr — Kadur Distt.

1 Endorsement dt 16 Oct 92 granted to appellant by — Dy: Commr — Kadur Distt:—

1 Copy of order (certified one) in Rev: Suit No. 105 of 89-91 on the file of the Dy: Commrs Office Kadur Distt

1 Copy of decree — in Suit No. on the file of Do.

4 Jour.

K-Shastri for precis within a week

• YL
23/6/92

Submitted with precis & memo
YL 23/6/92

(General Serial No. 30)

OFFICE OF THE
3340
18 JUN 92
P. 13
MYSORE RAYS

1892.

From The Deputy Commr
Kadur Dist

To

The Chief Secretary to the Dewan
of Mysore.

Dated 16
Despatched 17 June
Received

Enclosures No. 1 + memo: correc:

General No. 1297 / 1892-93.
No.

Submitting report on the appeal petition of Hadikulli Patel Ramegow-da, regarding his limit to the Patels office -

Petn Branch
Mr 18/6

A
20-6-92

No. 129.

Deputy Commissioner's Office
Kadur District

Dated, Chikmagalur 5th June 19..

From

The Deputy Commissioner
Kadur District

To

The Chief Secretary
to the Government
of Mysore.

Sir.

In reply to your official memo
No: 12[illegible] of the 30th May last forwarding
for report an appeal petition of one
Hadihalli Patel Ramegowda, regard-
ing his suit to the Patel office, I have
the honor to state as follows:-

Hadihalli village ..
Pakka Patige Rs 3-8-0

1. Hakdar Patel (Ramegowda)
the present appellant.
2. Hakdar Patel
Kempegowda
(son) Doddegowda

1st widow Siddamma Heggadati.	2nd widow Chikkamma Heggadati.
son Hooligowda. died on 21st June 1875.	C. Chikkegowda the present Respondent.

The Office of the Patel of
the Hadihalli village
in the Chikmagalur Taluk
was enfranchised to Hak-
dar Patel Ramegowda
and Hooligowda during
the Patel settlement of
1874 by the then Deputy

Commissioner, Mr. Krishna Rao, vide Extract from the Patti Register of 1874-75 Packet No. 23 in the Remembrance file).

2. Kadigowda having died in 1879, his younger brother Chikkegowda succeeded him (vide order of Mr. Creagh dated 2nd September, 1879 attached to the record).

3. Both these men - viz - Ramegowda and Chikkegowda did duty and received the Kacha Patte as noted in the margin up to 1882-83.

Kacha Patte - Rs 36-15-7	
Rs. 29-1-2	Ramegowda
2-1-7	Ramegowda's father.
5-13-2	Chikkegowda

4. At the instance of Ramegowda's petition in 1884 stating that he is the proper Aakkar and Gramadhikar, entitled to do the duty and to receive the whole compensation, Mr. Bucklefield directed that compensation should be paid only to Ramegowda vide the Gramadhikar and not to Chikkegowda. (Vide order no 107 dated 2nd June 1884). This order having precluded Chikkegowda from doing Patel's duties, he made

a petition in 1837 praying that he may be recognized as joint Patel. After needful enquiries Mr Nicklejohn passed the following summary order on 15th April 1839 "Mr Krishna Rao order in Ramegowda and Hooligowda the son & Baddegowda are doing the duties and both can read and write and both are physically competent but they having agreed between themselves that the former should do the duties the latter helping him in Revenue matters, the arrangement is approved."

"Hooligowda died in 1840 and Mr Casey appointed his brother to succeed him."

"Hooligowda was so to speak, as is clear from Mr Krishna Rao's order to be a sort of assistant Patel only."

"The Samasthan Ramegowda is alive and has been Patel now for 3 years nearly. Mr Krishna Rao's order being dated 1874 - the same dispute came up and then I passed a clear

order confirming the Ramadasa Ramegowda in the abandonment. The village is not a large one and there is no room for 2 Patels, the consideration only amounting to Rs 61-8-0. The petitioner's claim to be recognized as Patel of Hadihalli is therefore rejected.

5. Four years after, Chikkegowda filed a Regular Revenue suit in March 1891 in the Court of the Deputy Commissioner and obtained a decree on 2nd April 1891 confirming his former hak, i.e, joint Patelship which he possessed prior to Rs. Sheikdarshi order No: 605 of June 1884

6. On 9th December last the Decree holder Chikkegowda prayed for the execution of the decree in question.

In pursuance of the said Decree Chikkegowda (Respondent) had to be appointed as a joint Patel with Ramegowda (the appellant)

defining

defining the amount of work and
compensation. Considering that it
would be inconvenient in the interest
of all to allow both to do Patil's duties
jointly, I thought it best to direct
them to do by rotation one in five
years in proportion to the original
amount which both of them were
receiving before, and ordered Patil to
go and resume the duties from 1st
April 1921 as Ramgonda had done
the work up to the date of the order.

3. The Vernacular proceedings,
together with a short precis of the
case prepared in 1917, are herewith
submitted as also the appeal
petition and its recommendations.

I have the honor to be
Sir
Your most obedient servant

M M Pandya
Deputy Commissioner
Kaira District

Am S

Before the Government of *His Highness* the Maharaja of Mysore.

Appeal No. 20 of 1892

Appellant. (Defendant) Vs. Respondent.

Ramè Gowda, Patel of Hadikatti, Chikkamagalur Taluk, Kadur Dist. (Plaintiff)

by Mr. B. Seeniviasiengar Advocate.

Chikka Gowda (Plaintiff)

by Mr. K. T. Narasimmiengar Advocate.

Decision. 9/12-1893.

Prior to 1874, the Appellant Ramè Gowda and Kalegowda were doing the Patèli duties of the Hadikatti village in the Chikkamagalur Taluk. In June 1874, when the temporary remuneration of Patèls was settled, the then Deputy Commissioner noted that they agreed between themselves that the former should do the duties, the latter helping him in Revenue matters, and the agreement was accordingly upheld by the Deputy Commissioner. In 1879 Kenchi Gowda died and the Respondent, Chikkegowda was appointed in his

ahead. The Appellant refused the Respondent continued to do the duties till 1884.
In March 1884, the Appellant Ramasawmy, requested that the Respondent might be ordered not to interfere with the Taluk work. In June* 1884 the Deputy Commissioner recognising the Appellant as the 'Sannad-dar', directed that the remuneration should be paid to him alone; instead of being distributed as before. In 1887 the Respondent protested against the Deputy Commr's order, but his petition was rejected on the ground that the Appellant was the 'Sannad-dar' and the Respondent merely an assistant in accordance with the Deputy Commr's order of 1874, and that the 'Sannad-dar' had been confirmed in 1884. In 1891 the Respondent brought a regular suit praying that his claim to perform the duties of the Taluk Office along with the Appellant might be established. The Deputy Commissioner by his

* Vide order No 605 of 27th June 1884

decree 2nd April 1891 simply declared that Plaintiff (Respondent) to have the same proportionate Hall in the Palati as he possessed prior to the mediatorial order of June 1884. In December 1891, the Plaintiff-Respondent applied for execution of the decree. The Deputy Commr ordered on 12th Febry 1912, that both the parties should perform the duties by rotation, Appellant for 5 years and Respondent for one year and so forth, receiving the fixed amount of remuneration for the periods for which they respectively perform the duties. As Defendant has been long in office, he was directed to hand over charge to Plaintiff.

2 Against the above order Defendant appeals on the following grounds (1) that the order purports to execute what the decree itself does not direct. The decree is merely declaratory and gives no consequential relief. The order, requiring the Appellant

to give over charge to Respondent
is illegal. 36

(2) The decree does not decide what the Plaintiffs (Respondents) claim was prior to the order of June 1924.

3 The Government are of opinion that they cannot, in execution, get behind the decree. As contended by Appellant, the decree simply declares Plaintiff to be halvar with Defendant, but gives him no substantial relief to immediate possession or enjoyment of the office in question. The decree is indefinite and is ambiguously worded, but it contains nothing more than a mere declaration of rights. The Defendant, who is in actual possession of the office, cannot, under the decree, be ousted, and the performance of duties by rotation cannot be ordered in execution when the decree is silent on the point. Moreover the arrangement is likely to lead

to confusion and inconvenience, and cannot be sanctioned.

4 The Plaintiff, as habidar, must wait till the office becomes vacant when his right to officiate will be considered.

5 The present appeal must be allowed and the Deputy Comm^{rs} order passed in execution set aside.

By order

Chief Secretary

12.2.93 31/1/93.
Pet^{n} No 245-92

Copy to the Deputy Comm^{r} Kadur with the rec^{d} papers, returned with his M^{o} 12/3 of 16th Jan^{y} 93.

By order

Chief Secretary

Redraft

Bole

AR.

(Draft for approval)

No. 428-

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,
31 January 1893.

Endorsement granted to Rame Gowda, Patel of Hadahalli, Chikkanayakanhalli Taluk,
in reply to his Petition Registered No. 428 dated 2d May/92.

L.R. 2-11-91-4.

Petitioner is informed that his appeal has been allowed and the Dy: Comm^r's order passed in execution set aside, as the Appellant who is in actual possession of the office, cannot under the decree be ousted and the performance of the duties by rotation cannot be ordered in execution when the decree is silent on the point.

2 The enc: are returned.

"By Order,"

Chief Secretary.

Mysore Govt. Central Press, Bangalore.—5-7-92—1000.